

RESOLUTION NO. 20-2007

**A RESOLUTION OF THE CITY COUNCIL, CITY OF MILWAUKIE, OREGON
AUTHORIZING THE CITY MANAGER TO EXECUTE THE SALE OF THREE
SURPLUS PROPERTIES LOCATED AT THE CORNERS OF HIGHWAY 99E
AND JACKSON STREET AND HARRISON STREET THAT WERE ACQUIRED
AS PART OF THE MCLOUGHLIN BOULEVARD IMPROVEMENT PROJECT**

WHEREAS, the City acquired fee title to portions of the properties located at 1915 SE Harrison Street and 10700 SE McLoughlin Boulevard (the "Properties") in connection with the McLoughlin improvement project from adjacent property owners; and

WHEREAS, the City has no further need or use for remaining portions of the Properties;

WHEREAS, the properties are substandard undeveloped Properties,

WHEREAS, on February 20, 2007 the City Council declared the properties to be surplus,

WHEREAS, the City Council granted authority to the City Manager to negotiate sale of the properties and require payment at least equal on a square foot basis to the price paid by the City for the property,

WHEREAS, the City Manager has followed the procedure set forth in Milwaukie Municipal Code Section 3.15.010,

WHEREAS, adjacent property owners Metro and Reliable Credit LLC have offered to purchase the properties at \$16.00 per square foot, the same price originally paid for the property in 2004, and

WHEREAS, the City is obligated to return 89.7% of the sale proceeds to ODOT in recognition of the fact that federal funds were utilized to purchase the properties.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, City of Milwaukie, Oregon, that:

Section 1. The City Manager is authorized to sell the surplus property located at 1915 SE Harrison Street consisting of approximately 240 square feet as shown on "Exhibit A", to the adjacent property owner, Reliable Credit LLC, for \$3,840, at \$16.00 per square foot.

Section 2. The City Manager is authorized to sell the surplus properties located at 10700 SE McLoughlin Boulevard consisting of approximately 184.7 square feet as shown on "Exhibit B", to the adjacent property owner, Metro, for \$2,956, at \$16.00 per square foot.

Resolution No. 20-2007

Section 3. The City Manager shall return the appropriate federal portion of the sale proceeds, 89.7%, to ODOT.

Section 4. This Resolution takes effect upon its adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on 04/03, 2007.

This resolution is effective on 04/03, 2007.


James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan, LLP

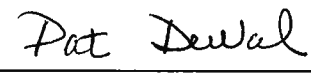

Pat DuVal, City Recorder
City Attorney

Exhibit A-1

AFTER RECORDING, RETURN TO:

City of Milwaukie
Attn: City Recorder
10722 SE Main Street
Milwaukie, OR 97222

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and effective the ____ day of _____, 2007 by and among THE CITY OF MILWAUKIE, a municipal corporation of the State of Oregon, ("Grantor") and METRO, a municipal corporation and political subdivision of the State of Oregon, ("Grantee").

Grantor releases and quitclaims to Grantee all right, title and interest in and to that certain real property more particularly described on Exhibit "A-1" attached hereto and by this reference made a part hereof.

The consideration for this Quitclaim Deed is \$ 300.00.

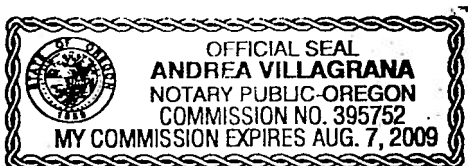
CITY OF MILWAUKIE, an
Oregon municipal corporation

By: _____

Its: City Manager

STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on this 4th day of April, 2007, by Mike Swanson, the City Manager of the CITY OF MILWAUKIE, an Oregon municipal corporation.



Andrea Villagrana
NOTARY PUBLIC for Oregon
My commission expires: August 7, 2009

EXHIBIT A -2**Parcel 1 – Fee**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of Lot 8, Block 14, TOWN OF MILWAUKIE, a duly recorded plat in Clackamas County and also being all of that property described as "Parcel 1 – fee" in that Warranty Deed to the City of Milwaukie, a municipal corporation of the State of Oregon, recorded February 1, 2005 in document Number 2005-009154, Clackamas County Deed Records, EXCEPT that portion of said property included in a strip of land variable in width lying on the Easterly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, TOWN OF MILWAUKIE in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West, 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 10° 41' 04" West, 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 8° 07' 00" West, 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West, 643.89 feet), 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East, 50.31 feet), 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East, 399.73 feet), 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340.90.74 ahead; thence North 11° 55' 55" East, 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

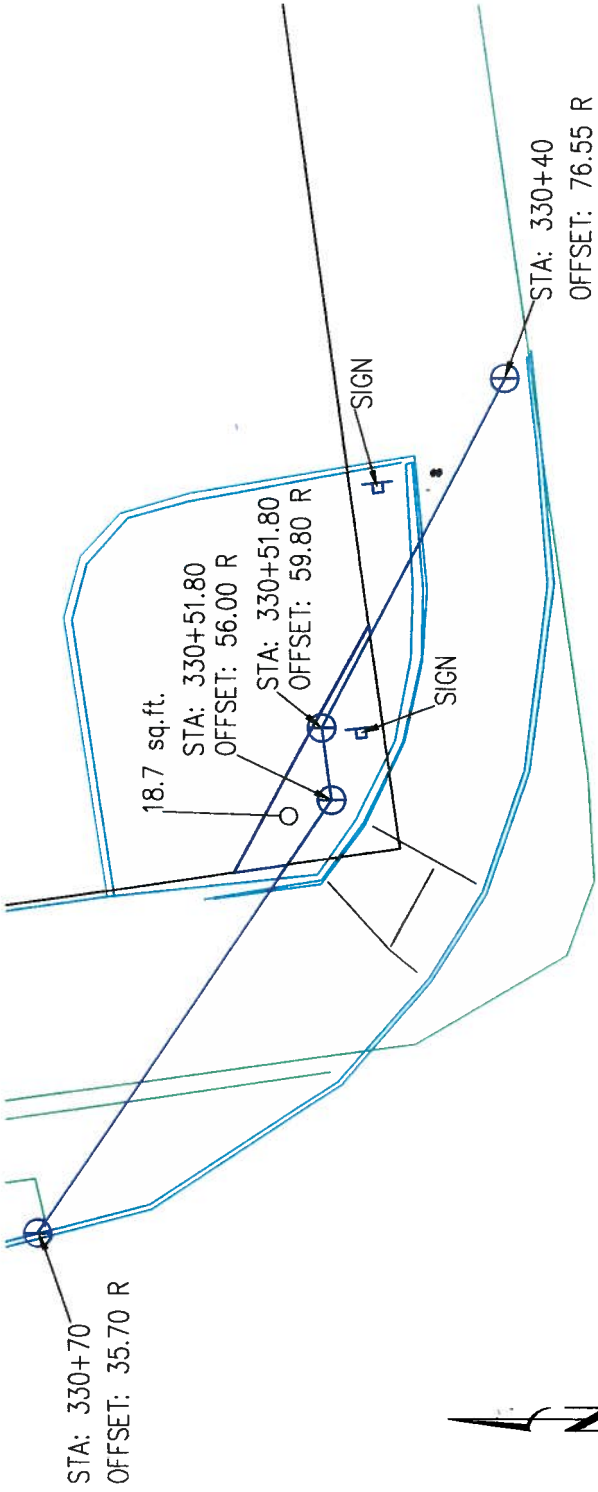
The width in feet of said strip of land is as follows:

<u>"US 99E" Station to</u>	<u>"US 99E Station</u>	<u>Width on Easterly Side of Center Line</u>
330+40.00	330+51.80	76.55 in a straight line to 59.80
330+51.80	330+70.00	56.00 in a straight line to 35.70

Bearings are based on the Oregon Coordinate System of 1983(98), North zone.

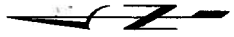
This parcel of land contains 18.7 square feet, more or less.

A-1



SE JACKSON STREET

SE McLoughlin Blvd



SCALE: 1"=10'

330

AFTER RECORDING, RETURN TO:

City of Milwaukie
Attn: City Recorder
10722 SE Main Street
Milwaukie, OR 97222

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and effective the ____ day of _____, 2007 by and among THE CITY OF MILWAUKIE, a municipal corporation of the State of Oregon, ("Grantor") and METRO, a municipal corporation and political subdivision of the State of Oregon, ("Grantee").

Grantor releases and quitclaims to Grantee all right, title and interest in and to that certain real property more particularly described on Exhibit "A-2" attached hereto and by this reference made a part hereof.

The consideration for this Quitclaim Deed is \$ 2,656.⁰⁰.

CITY OF MILWAUKIE, an
Oregon municipal corporation

By: _____
Its: _____

STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on this ____ day of _____, 2007, by _____, the _____ of the CITY OF MILWAUKIE, an Oregon municipal corporation.

NOTARY PUBLIC for _____
My commission expires: _____

EXHIBIT A - 2**Parcel 1 – Fee**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of Lot 5, Block 14, TOWN OF MILWAUKIE, a duly recorded plat in Clackamas County and also being all of that property described in that Warranty Deed to the City of Milwaukie, a municipal corporation of the State of Oregon, recorded February 1, 2005 in document Number 2005-009154, Clackamas County Deed Records, EXCEPT that portion of said property included in a strip of land variable in width lying on the Easterly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, TOWN OF MILWAUKIE in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West, 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 10° 41' 04" West, 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 8° 07' 00" West, 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West, 643.89 feet), 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East, 50.31 feet), 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East, 399.73 feet), 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340.90.74 ahead; thence North 11° 55' 55" East, 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station to</u>	<u>"US 99E Station</u>	<u>Width on Easterly Side of Center Line</u>
332+30.07	332+45.35	40.33 in a straight line to 53.76
332+45.35	332+60.00	53.76 in a straight line to 98.52

Bearings are based on the Oregon Coordinate System of 1983(98), North zone.

This parcel of land contains 166 square feet, more or less.

A.2

N.81°53'00"E.

SE HARRISON ST

SE McLOUGHLIN BLVD

332

331

STA: 332+60
OFFSET: 98.52 R

64.28 sq.ft.
0.0015 acres

STA: 332+45.35
OFFSET: 53.76 R

STA: 332+30.07
OFFSET: 40.33 R

165.62 sq.ft.
0.0038 acres

OLSON BROTHERS
ENTERPRISES LLC
88-01620



AFTER RECORDING, RETURN TO:

City of Milwaukie
Attn: City Recorder
10722 SE Main Street
Milwaukie, OR 97222

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and effective the ____ day of _____, 2007 by and among THE CITY OF MILWAUKIE, a municipal corporation of the State of Oregon, ("Grantor") and L & B HOLZMAN, L.L.C., an Oregon limited liability company, ("Grantee").

Grantor releases and quitclaims to Grantee all right, title and interest in and to that certain real property more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

The consideration for this Quitclaim Deed is \$ 3,840⁰⁰.

CITY OF MILWAUKIE, an
Oregon municipal corporation

By: _____
Its: _____

STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on this ____ day of _____, 2007, by _____, the _____ of the CITY OF MILWAUKIE, an Oregon municipal corporation.

NOTARY PUBLIC for _____
My commission expires: _____

EXHIBIT A

Parcel 1 – Fee

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of Lot 1, Block 1, LEWELLING PARK, a duly recorded plat in Clackamas County and also being all of that property described in that Deed to the City of Milwaukie, a municipal corporation of the State of Oregon, recorded June 6, 2005 in document Number 2005-051695, Clackamas County Deed Records, EXCEPT that portion of said property included in a strip of land variable in width lying on the Easterly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, TOWN OF MILWAUKIE in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West, 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 10° 41' 04" West, 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West, 146.72 feet), 146.73 feet; thence North 8° 07' 00" West, 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West, 643.89 feet), 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East, 50.31 feet), 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East, 399.73 feet), 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340.90.74 ahead; thence North 11° 55' 55" East, 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station to</u>	<u>"US 99E Station</u>	<u>Width on Easterly Side of Center Line</u>
333+05.00	333+17.80	91.79 in a straight line to 67.23
333+17.80	333+45.00	53.16 in a straight line to 34.31

Bearings are based on the Oregon Coordinate System of 1983(98), North zone.

This parcel of land contains 240 square feet, more or less.

B

GALE O. TR 91-

SE McLOUGHLIN BLVD

334-



ARCK
DICK
1/10

L & B HOLZMAN LLC
98-29746

Sta. 332+80.00
"17TH" 19+70.55

STA: 333+45
OFFSET: 34.31 R

Sta. 332+78.71
"HA" 0+00.00

4
239.97 sq.ft.
0.0055 acres

STA: 333+17.80
OFFSET: 53.16 R

STA: 333+17.80
OFFSET: 67.23 R

3
171.29 sq.ft.
0.0039 acres

⊕ STA: 333+05
OFFSET: 91.79 R

333

N.81°53'00"E.

SE HARRISON ST

STA: 332+60